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DEC 13 2010

PA040001

Ser. No. 10/584,370
Amdt. dated December 13, 2010
Reply to Office Action of September 14, 2010

Remarks/Arguments

The claims have been amended to clarify that the multimedia file that was currently selected before the change in sort order remains the currently selected multimedia file after the change in sort order.

35 U.S.C. §103

Claims 1-7 and 18-27, stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mercer et al. (U.S. Patent No. 7,043,477 B2; hereinafter referred to as "Mercer"), in view of Ward (U.S. Patent No. 6,526,411 B1).

It is respectfully asserted that neither Mercer nor Ward, alone or in combination, discloses a device with means of changing a sort order:

"wherein upon changing the sorting order and/or the playback order of the multimedia files the currently selected multimedia file is maintained as the currently selected multimedia file and the new sorting order and/or playback order is determined by at least one property of the currently selected multimedia file and the new sorting order and/or playback order is determined by at least one property of the currently selected multimedia file and includes one or more multimedia files that are not included in the current sorting order and/or the current playback order,"

as described in claim 1.

Mercer discloses "grouping and navigating media files within a playlist on a computer-readable medium. Invention software selects media files according to a grouping criterion to define a group from the media files. The invention software generates a group header associated with the group. The group header includes a value identifying the defined group and a reference to another group to enable navigation. The invention software stores the selected media files, the playlist, the defined groups, and the associated group headers on a computer-readable medium. The invention software also includes playback software for navigating and selecting media files via groups within a playlist.; In one embodiment, the invention is operable as part of a compressed media format having a set of small files

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containing metadata, menus, and playlists in a compiled binary format designed for playback on feature-rich personal computer media players as well as low cost media players.” (Mercer Abstract)

As admitted in the Office Action, “Mercer does not explicitly disclose changing the sorting order includes one or more multi-media files that are not included in the current sorting order and/or the current playback order.” (Office Action, page 3) Furthermore, Mercer does not disclose Ward does not disclose, nor does the Office Action assert that it discloses, changing a sort order of multimedia files where the currently selected multimedia file remains selected. Thus, Mercer fails to disclose a device with means of changing a sort order “wherein upon changing the sorting order and/or the playback order of the multimedia files the currently selected multimedia file is maintained as the currently selected multimedia file and the new sorting order and/or playback order is determined by at least one property of the currently selected multimedia file and the new sorting order and/or playback order is determined by at least one property of the currently selected multimedia file and includes one or more multimedia files that are not included in the current sorting order and/or the current playback order,” as described in claim 1.

Ward teaches a method and system “for creating a dynamic playlist including meta-data having potential association with a respective content item configured to be played on a content player, and having dynamic addition of subtraction of playlist items. The system maintains a database of linkages between elements associated with content items as well as weighted linkages between elements and respective properties. The system is a hybrid content based and collaborative filtering system, wherein the insertion of a new item into the database results in the new item sharing preference weights and number of preferences associated with items pre-existing in the database. Thus, an initial input query list of items potentially results in the return of many content, called a “dynamic playlist”, has a high correlation with the user's preference or with whatever other basis was used to frame the input list, and individual content items on the dynamic playlist may not have been previously experienced by the user.” (Ward Abstract)

The addition of new files to a dynamic playlist in Ward is not prompted by a change in sort order. Furthermore, Ward does not disclose, nor does the Office Action assert that it

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discloses, changing a sort order of multimedia files where the currently selected multimedia file remains selected. Thus, Ward, like Mercer, fails to disclose a device with means of changing a sort order "wherein upon changing the sorting order and/or the playback order of the multimedia files the currently selected multimedia file is maintained as the currently selected multimedia file and the new sorting order and/or playback order is determined by at least one property of the currently selected multimedia file and the new sorting order and/or playback order is determined by at least one property of the currently selected multimedia file and includes one or more multimedia files that are not included in the current sorting order and/or the current playback order," as described in claim 1.

The Applicants respectfully request that the Examiner supply some prior art in combination with the recitation of Mercer and Ward to support the Official Notice taken in regards to Claims 18, 19, and 20 (please see MPEP 2144.03).

In view of the above remarks, it is respectfully submitted there is no 35 USC 112 enabling disclosure provided by Mercer or Ward, which makes the present invention as claimed in claim 1 unpatentable. It is further submitted that independent claim 25 is allowable for at least the same reason that claim 1 is allowable. Since dependent claims 2-7, 18-24, 26 and 27 are dependent from allowable independent claims 1 and 25, it is submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable. Thus, it is further submitted that this rejection has been satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's representative at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

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Respectfully submitted,
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